

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ANTHONY C CHANCY, SR,

Plaintiff,

v.

Case No. 15-C-0767

JUDY P SMITH, et al.,

Defendants.

ORDER DENYING MOTION FOR RECONSIDERATION

Plaintiff asked the court to reconsider its order staying discovery and directing a response to the defendants' motion for summary judgment based upon failure to exhaust administrative remedies. The motion is denied. The previous motions to exhaust on similar grounds was denied without prejudice when plaintiff indicated an intent to amend his complaint. He has now done so and defendants have a right to pursue this threshold defense before incurring the expense of merits discovery. In the event the motion to dismiss on exhaustion grounds is denied, plaintiff will be given the opportunity to renew his motion to compel discovery. In the meantime, any discovery must be limited to issues arising from the defense of failure to exhaust. For these reasons, the motion for reconsideration is denied.

SO ORDERED this 3rd day of October, 2017.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court